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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,964	06/27/2003	Christopher Phillip Green	RAR422.03	3057
29762	7590	10/30/2007		
RICHARD A. RYAN ATTORNEY AT LAW 8497 N. MILLBROOK AVENUE SUITE 101 FRESNO, CA 93720			EXAMINER ELKINS, GARY E	
			ART UNIT 3782	PAPER NUMBER
			MAIL DATE 10/30/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/607,964	Applicant(s) GREEN, CHRISTOPHER PHILLIP	
	Examiner Gary E. Elkins	Art Unit 3782	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
4a) Of the above claim(s) 9-13 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23-45 is/are allowed.
- 6) ☒ Claim(s) 1-5, 8, 14, 21 and 22 is/are rejected.
- 7) ☒ Claim(s) 6, 7 and 15-20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>20060921</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I, Figs. 1, 3 and 5 in the reply filed on 17 July 2007 is acknowledged. Claims 9-13 and 36-39 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. In view of the apparent allowability of claim 31 below, the requirement is withdrawn with respect to claims 36-39.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 8, 14, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Price in view of Pedrini. Price discloses a rack capable of supporting a lightweight motorcycle or moped and including a main body formed by telescoping members 17, 19, 21, support assemblies at the ends of the main body member mounting the main body member to a pickup truck bed and a wheel chock assembly 26 having a fixing member 23 mounted on the main body member. Price does not disclose a holding means attached to the connecting member for holding the wheel. Pedrini teaches that it is known to make wheel chocks (5, 6) with holding means 12 mounted to the chocks and attached to connection member via the chock. It would have been obvious make the chocks in Price with holding means as taught by Pedrini to prevent movement of the wheels relative to the chocks during transport.

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4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 1 above, and further in view of Romero. Modified Price does not evidence a side member with a clamp to fixedly attach the side member to a vertical wall of the bed.

Romero teaches that it is known to make a truck bed carrier with side members 10 and clamps 12 to mount the support members to the vertical walls of the truck bed. It would have been obvious to substitute clamp attaching elements for the bracket support elements of Price as taught by Romero to allow fixing the carrier to the side vertical support walls of the bed.

Allowable Subject Matter

5. Claims 6, 7 and 15-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 23-45 are allowed.

Conclusion

The remaining cited prior art is illustrative of the general state of the art.

Any inquiry related this office action or any other office action for this application should be directed to Examiner Gary Elkins at the number listed below. Normal work days are Mon-Thur. each week.

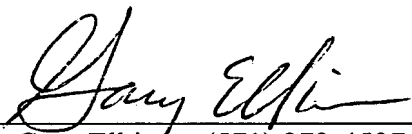
If the Examiner is unavailable and you need to talk to someone sooner, the Examiner's supervisor, Mr. Nathan Newhouse may be contacted at the number listed below.

Any inquiry of a general nature or relating to the status of an application should be directed to the 3700 Technology Center Receptionist. Information regarding the status of an application may also be obtained by accessing the PAIR system. Information about the PAIR system can be obtained at the website <http://pair-direct.uspto.gov> or by contacting the EBC at (866) 217-9197 (toll free).

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A handwritten signature in cursive script, appearing to read "Gary Elkins", is written over a horizontal line.

Gary Elkins: (571) 272-4537
Primary Examiner, Art Unit 3782

October 1, 2007

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